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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,324	08/05/2003	Viktor V. Jarikov	84501ARLO	7849

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EXAMINER

GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/634,324

Applicant(s)

JARIKOV, VIKTOR V.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-109 is/are pending in the application.
- 4a) Of the above claim(s) 2-5,7-10,13-15,19-48,51-59,62-81 and 83-109 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,11,12,14,16-18,49,50,60,61 and 82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office action is responsive to the amendment received February 15, 2006. The finality of the Office action mailed December 20, 2005 is withdrawn. The amendment received February 15, 2006 has been entered. Claim 1 was amended. Claim 110 was cancelled. Claims 1-109 are present. Claims 2-5, 7-10, 13, 15, 19-48, 51-59, 63-81, and 83-109 are withdrawn as non-elected. Claims 1, 6, 11, 12, 14, 16-18, 49, 50, 60, 61, and 82 are under consideration and stand rejected.
2. The examiner notes that the elected species under consideration remain as the following:  
First component – the benzenoid hydrocarbon of claim 82  
Second component – the oxinoid compound  $AlQ_3$   
The at least one dopant – the DCM moiety dopant DCJTb
3. The rejection of claims 1, 6, 11, 12, 14, 16-18, 49, 50, 60, 61, 82 and 110 under 35 U.S.C. 103(a) as being unpatentable over Vong et al. (US 2004/0021415 A1) in view of Tang et al. (US 5,294,870) is withdrawn in light of the priority date of the parent application of this C.I.P. application.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 1, 6, 11, 12, 14, 16-18, 49, 50, 60, 61, and 82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled

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in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Amended claim 1 now contains the limitation “both the first and second components being selected to transfer excitation energy to the dopant so that the dopant produces light while the first and second components produce no light”. Applicant’s specification shows first and second components without dopant in the Tables as emitting light at a certain wavelength. It is not seen how the first and second components are selected to emit no light, since at least some of the materials specified for the first and second components are well known light emitting materials. It is not seen how the specification enables one of ordinary skill in the art to select materials as the first and second components so as no light is emitted from the first and second components although they are known to have the property of light emission.

6. Claims 1, 6, 11, 12, 14, 16-18, 49, 50, 60, 61, and 82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not seen where the specification specifically describes the first and second components as emitting no light while the dopant produces light as now set forth in claim 1, part d) iii).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1, 6, 11, 12, 14, 16-18, 49, 50, 60, 61, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz et al. (US 6,740,429) in view of Tang et al. (US 5,294,870). Aziz et al. teach organic light emitting devices that may have a single layer luminescent region comprising tris(8-hydroxyquinolate) aluminum (AlQ<sub>3</sub>) (see col. 7, line 33 to col. 8, line 38, particularly col. 8, line 38). The luminescent region may further comprise in an amount of 0.01 weight percent to about 10 weight percent fused ring fluorescent dyes such as anthracene, pyrene and the like (see col. 19, lines 14-15 and col. 8, lines 41-48) and fluorescent dyes such as DCJTB (see col. 8, lines 59-60). Aziz et al. fails to exemplify a device comprising a luminescent region comprising AlQ<sub>3</sub> doped with both an anthracene and/or pyrene type derivative and DCJTB; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed a layer with AlQ<sub>3</sub>, anthracene and/or pyrene derivative and DCJTB, because Aziz et al. teaches all the components may be used in the luminescent region. Anthracene and/or pyrene derivatives and DCJTB are both taught as useful dopants and it is obvious to use a mixture of components taught as useful for the same purpose. Although Aziz et al. generally teaches anthracene and/or pyrene derivatives may be used in the device, Aziz et al. fails to teach the specific anthracene and/or pyrene derivative of claim 82. Tang et al. teaches in analogous art the compound according to claim 82, benzo[a]pyrene (which is considered a pyrene derivative comprising an anthracene core), as a fluorescent dye for an organic electroluminescent device (see col. 32, line 56 to col. 33, line 44). It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected benzo[a]pyrene as an anthracene and/or pyrene derivative fluorescent dye for the Aziz et al. device, because Tang et al.

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clearly teaches benzo[a]pyrene is a fluorescent dye suitable for an organic device and one would expect the benzo[a]pyrene derivative to be similarly useful in the Aziz et al. device.

Since Aziz et al. in view of Tang et al. set forth the same materials as claimed by applicant, any properties (including light emission properties) are considered to be the same absent evidence otherwise. Recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference material does not possess the characteristics recited in the claims. *In re Fitzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

### ***Response to Arguments***

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Applicant alleges unexpectedly good results with the combination of components set forth in the claims. Per M.P.E.P. § 2145, the arguments of counsel cannot take the place of evidence in the record. *In re Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965); *In re Geiseler*, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997). Applicants are encouraged to clearly show and explain their reasons for alleging unexpectedly good results in the next response.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dawn Garrett  
Primary Examiner  
Art Unit 1774

D.G.  
February 22, 2006